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Patent
Attorney Docket No.: PD-201129**REMARKS**

By this amendment, claims 1-52 and 54-56 are pending, in which claim 53 is canceled without prejudice or disclaimer, claims 1-4, 6, 7, 9, 10, 16, 17, 20, 22, 27-30, 32, 33, 35, 36, 42, 43, 46, 48 and 54 are currently amended, and claims 55 and 56 are newly presented. Care was exercised to avoid the introduction of new matter.

The Office Action mailed November 2, 2005 rejected claims 1-5, 7-8, 11, 13-15, 27-31, 33, 34, 37, 39-41, 53 and 54 under 35 U.S.C. § 102 as anticipated by *Galipeau et al.* (US 6,249,913), claims 6 and 32 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Humpleman* (US 5,579,308), claims 9 and 35 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Schwab* (US 6,353,699), claims 10 and 36 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Ahmad* (US 5,565,908), claims 12 and 38 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Rosin* (US 6,028,600), claims 16 and 42 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *McCarten* (US 5,959,596), claims 17 and 43 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *McCarten* (US 6,353,699) in further view of *Ahmad* (US 5,565,908), claims 18-21 and 44-47 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Volpe* (US Pub. 2001/0032028), claims 22-24 and 48-50 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Neel* (US 5,838,314), and claims 25, 26, 51 and 52 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Neel* in further view of *Dedrick* (US 5,724,521). Additionally, claim 53 was rejected under 35 U.S.C. § 112, first paragraph (enablement requirement) and 35 U.S.C. § 101 (non-statutory subject matter).

In response to the § 112, first paragraph and the § 101 rejections, Applicant has canceled claim 53, and thus, the rejections are rendered moot.

In the interest of expediting prosecution, Applicant has amended independent claims 1, 27 and 54. Amended claim 1 recites "wherein said multimedia server is configured to distribute,

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over said aircraft multimedia communications network, multimedia in-flight to a device of a passenger **for purchasing by said passenger, the multimedia being selected pre-flight via a web server in communication with the multimedia server.**" Claim 27, as amended, recites "distributing, via said multimedia server, over said aircraft multimedia communications network, multimedia in-flight to a device of a passenger **for purchasing by said passenger, the multimedia being selected pre-flight via a web server in communication with the multimedia server.**" Amended claim 54 now recites "means for distributing, via said multimedia server, over said aircraft multimedia communications network, multimedia in-flight to a device of a passenger **for purchasing by said passenger, the multimedia being selected pre-flight via a web server in communication with the multimedia server.**"

By contrast, *Galipeau et al.* discloses (col. 9: 26-32) a video module 152 that transmits data back to the head end via data network interface module 114 enabling the passenger to select a desired video and the desired starting time (video on demand) or to select one of a number of videos that begin at predetermined starting times (video partially on demand). Selections are inputted through the DPCU 124. It is anticipated the system will provide passengers with a minimum of 12 video channels. *Galipeau et al.* also discloses (col. 10: 45-65) an onboard internet mass storage unit 190 that is pre-loaded, typically before the aircraft becomes airborne, with the current content of a number, for example several thousand, of the most common internet sites. Some time critical information such as stock quotes, sporting scores, weather and news may be updated dynamically during flight via the air-to-ground communications link 188. During flight, the individual passengers may access this content through the high-speed communication lines of the seat-to-seat cable.

Thus, the *Galipeau et al.* system provides for selection of videos by the user, but does not provide a capability to permit "distributing ... multimedia in-flight to a device of a passenger **for purchasing by said passenger**" or "**the multimedia being selected pre-flight via a web server in communication with the multimedia server.**" As anticipated under 35 U.S.C. §

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102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Galipeau et al.* fails to anticipate amended independent claims 1, 27, and 54.

With respect to the obviousness rejections, the secondary references of *Humpleman, Schwab, Ahmad, Rosin, McCarten, Volpe, Neel, and Dedrick* do not fill in the gaps of *Galipeau et al.* Accordingly, Applicant respectfully requests withdrawal of the obviousness rejections.

In view of the foregoing, dependent claims 2-26, and 28-52 (which depend respectively from amended independent claims 1 and 27) are allowable. Further, these dependent claims are allowable on their own merits. For example, dependent claim 10 recites "wherein said software device is **specific to said airline.**"

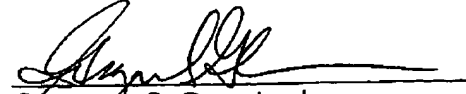
Turning to newly added claims 55 and 56, independent claim 55 is directed to a method for receiving multimedia, and recites "selecting, pre-flight, one of the options for purchase of a corresponding one of the plurality of multimedia via a web server coupled to the multimedia server." As explained, the art of record provides no disclosure of such features; hence, new claim 55 is allowable. Claim 56, which depends from claim 55, is also allowable, and recites "wherein the web server is resident within a data network that is different from the communications network."

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (310) 964-4615 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

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Respectfully submitted,



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